

William B. Curtis, Esq. (TX SBN 00783918)
(*admitted pro hac vice*)

CURTIS LAW GROUP

12225 Greenville Ave., Suite 750
Dallas, Texas 75243

Telephone: (214) 890-1000

Facsimile: (214) 890-1010

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

**IN RE: BARD IVC FILTER PRODUCTS
LIABILITY LITIGATION**

This document relates to:

LYNN BROWN,

Plaintiff,

v.

*C.R. BARD AND BARD PERIPHERAL
VASCULAR, INC.*

Defendants.

MDL No. 2:15-MD-02641-PHX-DGC

Civil Action No. 2:18-cv-00018-DGC

**PLAINTIFF'S REPOSE TO
DEFENDANTS' MOTION TO DISMISS
PLAINTIFF'S COMPLAINT FOR
FAILURE TO COMPLY WITH
AMENDED CASE MANAGEMENT NO. 5**

Plaintiff files this Response to the Motion to Dismiss [DOC 18557] filed by Defendants C.R. Bard, Inc and Bard Peripheral Vascular Inc.

1. On June 19, 2019, the Defendants filed their Motion to Dismiss against Plaintiff Lynn Brown for failure to provide a Plaintiff Profile Form.

2. Before the filing of Defendants' Motion to Dismiss, Counsel for Plaintiff and Counsel for Defendants agreed to engage in settlement talks with all of Curtis Law Group's clients filed in this MDL, which includes Plaintiff Lynn Brown. Pursuant to the Case Management Order no. 42, and agreement between counsel, Plaintiff Lynn Brown was placed in Track 2.

3. Plaintiff's counsel has used due diligence to contact Ms. Brown, but have yet to hear back. Counsel's attempts consist of letters, phone calls, and text messages to the client and her emergency

1 contact.

2 4. Accordingly, Plaintiff's counsel needs more time to locate this Plaintiff and inform her of
3 the ongoing settlement talks. Plaintiff's counsel humbly asks the Court for additional time to locate
4 Ms. Brown, produce the PPF and allow her the opportunity to engage in settlement.

5 WHEREFORE, Plaintiff Lynn Brown respectfully requests that the Court deny the
6 Defendants' Motion to Dismiss [doc18557] as the parties had previously agreed (prior to the filing
7 of Defendants' motion) to engage in settlement talks (CMO. 42 "Track 2"), and for all other just
8 and appropriate relief.
9

10 FURTHER Plaintiff prays that the Court will grant additional time for Plaintiff to be
11 located, submit her PPF, and allow her the opportunity to participate in settlement talks
12 and for all other just and appropriate relief.
13

14
15 Dated: July 3, 2019

16 Respectfully submitted,

17 **CURTIS LAW GROUP**

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19 /s/ William B. Curtis
20 WILLIAM B. CURTIS
21 Texas State Bar No. 00783918
22 12225 Greenville Avenue, Suite 750
23 Dallas, TX 75243
24 Telephone (214) 890-1000
25 Facsimile (214) 890-1010
26 Email: bcurtis@curtis-lawgroup.com

27 **ATTORNEY FOR PLAINTIFF**
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CERTIFICATE OF SERVICE

I hereby certify that on July 3, 2019, a copy of the foregoing Plaintiffs' Response to Defendants Motion to Dismiss was filed electronically, and notice of the filing of this document will be sent to all parties by operation of the Court's electronic filing system to CM/ECF participants registered to receive service in this matter. Parties may access this filing through the Court's system.

/s/ William B. Curtis
William Curtis